



Order Filed on October 23, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Caption in Compliance with D.N.J. LBR 9004-2(c)

51717

Morton & Craig LLC

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Attorney for Ally Financial

In Re:

EMANUEL H. NETO

CATHERINE V. PADINHA-NETO

Case No.: 19-11380

Adv. No.:

Hearing Date: 10-1-20

Judge: VFP

**ORDER FOR MONTHLY PAYMENTS AND STAY RELIEF UNDER CERTAIN
CIRCUMSTANCES**

The relief set forth on the following pages, numbered two (2) is hereby **ORDERED**.

DATED: October 23, 2020



Honorable Vincent F. Papalia
United States Bankruptcy Judge

Emanuel and Catherine Neto

19-11380(VFP)

Order Providing for Monthly Payments for Stay Relief under Certain Circumstances

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This matter having been brought on before this Court on motion for stay relief and co-debtor stay relief filed by John R. Morton, Jr., Esq., attorney for Ally Financial, with the appearance of James Fitzpatrick, Esq. on behalf of the debtor, and this order having been filed with the Court and served upon the debtor and his attorney and the non-filing co-debtor, Catherine Padinha-Neto under the seven day rule with no objections having been received as to the form or entry of the order, and for good cause shown;

IT IS ORDERED:

1. That Ally Financial is the holder of a first purchase money security interest encumbering a 2014 Mitsubishi Lancer bearing vehicle identification number JA32WEFV6EU016212 (hereinafter the "vehicle").
2. **Curing Arrears:** Through and including the 9-1-20 payment, the debtor was \$11,427.35 in arrears to Ally post-petition. The debtor shall cure those arrears through the plan and shall file a modified plan to do so within 15 days from the entry of this order. If the debtor fails to file the modified plan within that time period, Ally shall receive stay relief and co-debtor stay relief as to the non-filing co-debtor, Catherine Padinha-Nato to repossess and sell the vehicle by filing a certification of such failure with the Court and serving it upon the debtor, his attorney, and the non-filing co-debtor.
3. Commencing with the 10-1-20 monthly payment, the debtor shall make all retail installment contract payments to Ally Financial when due, being the 1st day of each month. In the event the debtor fails to make any payment for a period of 30 days after it falls due, Ally Financial shall receive stay relief and co-debtor stay relief to repossess and sell the vehicle by filing a certification of nonpayment and serving it upon the debtor, his attorney and the non-filing co-debtor, Catherine Padinha-Neto.
4. Commencing with the 10-1-20 trustee payment, the debtor shall make all trustee payments within the month they fall due. If the debtor fails to make any trustee payment within the month it falls due, Ally Financial shall receive stay relief and co-debtor stay relief to repossess and sell the vehicle by filing a certification of nonpayment and serving it upon the debtor, his attorney and the non-filing co-debtor, Catherine Padinha-Neto.
5. The debtor shall maintain insurance on the vehicle in accordance with the terms of the retail installment contract. In the event of a lapse of insurance for any period of time without intervening coverage, Ally Financial shall receive stay relief and co-debtor stay relief to repossess and sell the vehicle by filing a certification that insurance has lapsed with the court and serving it upon the debtor, his attorney and the non-filing co-debtor.
6. The debtor shall pay to Ally Financial through the plan, a counsel fee of \$531 which shall be paid by the trustee as an administrative priority expense.

In re:
Emanuel H. Neto
Catherine V. Padinha-Neto
Debtor(s)

Case No. 19-11380-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Oct 23, 2020

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 25, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Emanuel H. Neto, Catherine V. Padinha-Neto, 367 Nottingham Way, Union, NJ 07083-7932
aty	+ Nicholas Fitzgerald, Fitzgerald and Associates, 649 Newark Avenue, Jersey City, NJ 07306-2341

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
jdb	*+	Catherine V. Padinha-Neto, 367 Nottingham Way, Union, NJ 07083-7932

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 25, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 23, 2020 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor SPECIALIZED LOAN SERVICING LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Jason Brett Schwartz	on behalf of Creditor Westlake Financial Services jschwartz@mesterschwartz.com
John R. Morton, Jr.	on behalf of Creditor Ally Financial ecfmail@mortoncraig.com mortoncraigecf@gmail.com
Marie-Ann Greenberg	

District/off: 0312-2

User: admin

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Date Rcvd: Oct 23, 2020

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Total Noticed: 2

magecf@magtrustee.com

Nicholas Fitzgerald

on behalf of Joint Debtor Catherine V. Padinha-Neto Fitz2Law@gmail.com

Nicholas Fitzgerald

on behalf of Debtor Emanuel H. Neto Fitz2Law@gmail.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William M.E. Powers

on behalf of Creditor Wells Fargo Bank N.A. ecf@powerskirn.com

William M.E. Powers, III

on behalf of Creditor Wells Fargo Bank N.A. ecf@powerskirn.com

TOTAL: 9